

# EDUCATION AND SKILLS ACT 2008

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## EXPLANATORY NOTES

### COMMENCEMENT

214. *Section 173* provides for commencement. Section 80, concerning the transfer of responsibility for assessments relating to learning difficulties of certain young persons between the ages of 16 and 24, came into force on Royal Assent. Amendments and repeals that are consequential on this section also come into force on Royal Assent. Section 156, which requires schools and local authorities to have regard to National Curriculum assessment arrangements as they exist for the time being, came into force on Royal Assent. Paragraph 88 of Schedule 1 which adds section 55 of the 2006 Act (right of sixth form pupils to opt out of religious worship) to the list of provisions in section 180 of that Act came into force on Royal Assent. The effect of section 180 of the 2006 Act is that where an amendment made by one of the listed provisions confers a function on the Secretary of State then, so far as the function is exercisable in relation to Wales, it is deemed to have been transferred by an Order in Council under section 22 of the Government of Wales Act 1998 to the National Assembly for Wales (and is now exercisable by the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006).
215. *Subsection (2)* provides for certain provisions of the Act to come into force two months after Royal Assent namely: section 149 (powers of National Assembly for Wales); the new section 88P and 88Q of the 1998 Act, as inserted by section 151 (reports by local education authorities about school admissions); and section 164 (inspections of teacher training in England: removal of duty to notify).
216. *Subsection (3)* provides for certain provisions of the Act, insofar as they relate to Wales, to be commenced by the Welsh Ministers.
217. All other provisions may be commenced by the Secretary of State by way of a commencement order, but following consultation with the Welsh Ministers in respect of section 67, the Department for Employment and Learning in Northern Ireland in respect of sections 161(4) and 163, and with the Scottish Ministers and the Welsh Ministers in respect of sections 87 to 91.
218. Assuming that the Secretary of State brings Part 1 into force no earlier than he is required to by section 173(10), most children who started Year 7 in September 2008 will be required to participate in education or training under section 2 for one year beyond the end of compulsory schooling, that is until the end of the academic year in which they turn 17. Most children who started Year 6 in September 2008 and all subsequent cohorts of children will be required to participate in education or training as required by section 2 until their 18<sup>th</sup> birthday.